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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 09/867,207 | 05/29/2001 | Donald Gale | 6802-82887 | 6159 |

7590      09/03/2003

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| ART UNIT | PAPER NUMBER |
|---|---|
| 3622 | |

DATE MAILED: 09/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

| **Advisory Action** | Application No. 09/867,207 | Applicant(s) Gale et al. | | |
| --- | --- | --- | --- | --- |
| | Examiner John Young | Art Unit 3622 | | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

THE REPLY FILED _May 16, 2003_ FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid the abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**THE PERIOD FOR REPLY** [check only a) or b)]

a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☐ The proposed amendment(s) will not be entered because:

    (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);

    (b) ☐ they raise the issue of new matter (see NOTE below);

    (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

    (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

    NOTE: _____

3. ☒ Applicant's reply has overcome the following rejection(s):
*The double patenting rejections of claims 45-48 and the finality of the obviousness rejections of claims 25-48.*

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

    The status of the claim(s) is (or will be) as follows:

    Claim(s) allowed: _____

    Claim(s) objected to: _____

    Claim(s) rejected: _____

    Claim(s) withdrawn from consideration: _____

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

10. ☐ Other:

## WITHDRAWAL OF FINALITY

## ( PAPER # 15)

1.      Applicant's request for reconsideration of the finality of the rejection of the prior Office

action on an RCE is persuasive and, therefore, the finality of the prior action is withdrawn.

This Office Action is responsive to Applicant's response under 37 C.F.R. § 1.116 request

for reconsideration (received 05/16/2003, paper#14) entered, and herein considered. **(NOTE:**

**The prior rejections of claims 25-48 are maintained (albeit not final) for the reasons**

**presented in the prior Office Action (paper#11).**

## DRAWINGS

2.      This application has been filed with drawings that are considered informal; however, said

drawings are acceptable for examination and publication purposes. The review process for

drawings that are included with applications on filing has been modified in view of the new

requirement to publish applications at eighteen months after the filing date of applications, or any

priority date claimed under 35 U.S.C. §§119, 120, 121, or 365.

## CLAIM REJECTIONS — Non-Statutory Type Double Patenting

3.      Rejections Withdrawn.

4.      The terminal disclaimer filed on 6/30/2003 disclaiming the terminal portion of any patent

granted on this application which would extend beyond the expiration date of U.S. Patent No.

6,334,107 has been reviewed and is accepted.  The terminal disclaimer has been recorded.


## CLAIM REJECTIONS — 35 U.S.C. §103(a)

5.      **Rejections Maintained.**


## PRIOR CLAIM REJECTIONS — 35 U.S.C. §103(a)

The text of those sections of Title 35, U.S. Code not included in this action can be found

in a prior Office action.


6.      Independent claims 25, 35 & 45  and dependent claims 26-34, 36-44 & 46-48 are rejected

under 35 U.S.C. §103(a) as being unpatentable over Apgar, IV 5,680,305 (10/21/1997) (herein

referred to as "Apgar") in view of Keithley 5,584,025 (12/10/19960) (herein referred to as

"Keithley") in view of Forrest et al. 6,049,781 (4/11/2000) (herein referred to as "Forrest") and

further in view of Hunt et al. 5,893,091 (4/6/1999) (herein referred to as "Hunt")  and further in

view of Meyer 6,157,943 (12/5/2000) (herein referred to as "Meyer").


As per claim 25, Apgar (FIG. 1; FIG. 6; FIG. 7; FIG. 8; FIG. 9; FIG. 10; FIG. 14;

FIG. 16; col. 4, ll. 24-61; col. 6, ll. 9-21; col. 6, ll. 46-62; and col. 1, ll. 53-58) shows

elements that suggest "managing a real estate unit from a remote location, such method

comprising the steps of: accessing a server from a remote location . . . downloading . . . a

set of options regarding the managing of the real estate unit . . . to the remote location;

selecting at least one of the options . . . uploading the . . . selected option from the remote

location to the server; and executing the <u>computer program associated with the</u> selected

option <u>within</u> the server."

<u>Apgar</u> lacks an explicit recitation of: "downloading a <u>webpage containing a</u> set of

options regarding the managing of the real estate unit from the website to the remote

location . . . <u>embedding a subroutine within the webpage activated by selection of the</u>

<u>option that composes a message identifying a computer program within the server</u>

<u>associated with the selected option. . . ."</u> even though, <u>Apgar</u> (col. 6, ll. 30-57; and col.

15, ll. 24-40) suggests same.

<u>Keithley</u> (col. 9, ll. 4-27) discloses elements that suggest "accessing a server from

a remote location. . . ."

<u>Keithley</u> proposes remote server modifications that would have applied to the

method of <u>Apgar</u>. It would have been obvious at the time the invention was made to a

person having ordinary skill in the art to add the modifications taught by <u>Keithley</u> to

<u>Apgar</u>, because implementation of such modifications would have provided *"a method of*

*acquiring and displaying real estate information. . . ."* (see <u>Keithley</u> col. 4, ll. 10-25).

<u>Forrest</u> (col. 5, ll. 10-24; FIG. 1; and FIG. 13) shows *"LAN 12 may be*

*implemented as a distributed network. . . ."* It would have been obvious to one of

ordinary skill in the art at the time of the invention that *"LAN 12 may be*

*implemented as a distributed network. . . ."* would have been selected in accordance with

"a website of the server. . . ." because it was well known in the art at the time of the

invention that a website was associated with the Internet which is a distributed network.

Furthermore, <u>Forrest</u> (col. 5, ll. 10-24; col. 2, ll. 55-67; FIG. 1; and FIG. 13) proposes

website modifications that would have applied to the method of <u>Apgar</u>.  It would have

been obvious to one of ordinary skill in the art at the time of the invention to add the

website modifications of the method of <u>Forrest</u> to the method of <u>Apgar</u> because such

modifications  would have provided *"the ability to closely track homes. . . ."*  (See

<u>Forrest</u> (col. 2, ll. 55-67).

Hunt (col. 5, ll. 45-61;  col. 6, ll. 60-67; col. 7, ll. 1-23; col. 8, ll. 15-67; col. 11, ll.

47-55; and col. 13, ll. 55-67) shows elements that suggest:   "downloading a <u>webpage</u>

<u>containing a</u> set of options regarding the managing of  the real estate unit from the website

to the remote location . . . <u>embedding a subroutine within the webpage activated by</u>

<u>selection of the option that composes a message identifying a computer program within</u>

<u>the server associated with the selected option. . . ."</u>

<u>Hunt</u> proposes webpage and subroutine modifications that would have applied to

the method of <u>Apgar</u>.  It would have been obvious to a person of ordinary skill in the art

at the time of the invention to combine the disclosure of <u>Hunt</u> with the teachings of <u>Apgar</u>

because such combination would have provided means to *"present the user with the*

*option of viewing an associated webpage through a linked browser."* (See <u>Hunt</u> (col. 5,

ll. 45-50)).

Apgar lacks an explicit recitation of: "managing a real estate unit by a real estate

manager from a remote location . . . providing a website for use for use by the real estate

manager in managing the real estate unit . . . accessing a server by the real estate manager

from a remote location through the website of the server provided for use by the real

estate manager. . . ."

Meyer (the ABSTRACT; FIG. 1; FIG;. 3; FIG. 4; FIG. 5; col. 1, ll. 33-67; col. 2,

ll. 1-67; col. 3, ll. 1-67; col. 4, ll. 1-67; col. 5, ll. 1-67; col. 6, ll. 1-67; and col. 7, ll. 1-45)

shows elements that suggest: "managing a real estate unit by a real estate manager from a

remote location . . . providing a website for use for use by the real estate manager in

managing the real estate unit . . . accessing a server by the real estate manager from a

remote location through the website of the server provided for use by the real estate

manager. . . ."

Meyer (the ABSTRACT; FIG. 1; FIG;. 3; FIG. 4; FIG. 5; col. 1, ll. 33-67; col. 2,

ll. 1-67; col. 3, ll. 1-67; col. 4, ll. 1-67; col. 5, ll. 1-67; col. 6, ll. 1-67; and col. 7, ll. 1-45)

proposes remote website browser modifications that would have applied to the

system/method of Apgar.   It would have been obvious to a person of ordinary skill in the

art at the time of the invention to combine the disclosure of Meyer with the teaching of

Apgar, because such combination would have provided means for *"facility management*

*systems via the Internet. . . ."* (see Meyer (col. 1, ll. 60-65)).

As per claim 26, <u>Apgar</u> in view of <u>Keithley</u>, <u>Forrest</u>, <u>Hunt</u> and <u>Meyer</u> shows the method of claim 25. (See the rejection of claim 25 <u>supra</u>).

<u>Apgar</u> does not explicitly show "an identifier of a user to the server. . . ."

<u>Keithley</u> (col. 1, ll. 33-45) discloses elements that suggest "transferring an identifier of a user to the server."

<u>Keithley</u> proposes user ID modifications that would have applied to the method of <u>Apgar</u>. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to add the modifications taught by <u>Keithley</u> to <u>Apgar</u>, because implementation of such modifications would have provided *"a method of acquiring and displaying real estate information. . . ."* (see <u>Keithley</u> col. 4, ll. 10-25).


As per claim 27, <u>Apgar</u> in view of <u>Keithley</u>, <u>Forrest</u>, <u>Hunt</u> and <u>Meyer</u> shows the method of claim 26. (See the rejection of claim 26 <u>supra</u>).

<u>Apgar</u> does not explicitly show "the identifier further comprises comparing the identifier with an identifier of an authorized user and granting access to a set of files when a match is found."

<u>Keithley</u> (col. 13, ll. 25-42; col. 1, ll. 33-45; col. 9, ll. 38-59; and col. 11, ll. 11-16) discloses elements that suggest "the identifier further comprises comparing the identifier with an identifier of an authorized user and granting access to a set of files when a match is found."

Keithley proposes user ID modifications that would have applied to the method of

Apgar. It would have been obvious at the time the invention was made to a person having

ordinary skill in the art to add the modifications taught by Keithley to Apgar, because

implementation of such modifications would have provided *"a method of acquiring and*

*displaying real estate information. . . ."* (see Keithley col. 4, ll. 10-25).


As per claim 28, Apgar in view of Keithley, Forrest, Hunt and Meyer shows the

method of claim 27. (See the rejection of claim 27 supra).

Apgar (FIG. 1; FIG. 6; FIG. 7; FIG. 8; FIG. 9; FIG. 10; FIG. 11; FIG. 12; FIG.

14; FIG. 16; col. 3, ll. 50-67; col. 13, ll. 44-47; col. 22, ll. 20-30; col. 4, ll. 24-61; col. 6,

ll. 9-21; and col. 6, ll. 46-62) shows elements that suggest "uploading monetary data from

a designated financial institution to the server."

Apgar does not explicitly show "uploading monetary data from a designated

financial institution to the server. . . ." even though, Apgar (FIG. 1; FIG. 6; FIG. 7; FIG.

8; FIG. 9; FIG. 10; FIG. 11; FIG. 12; FIG. 14; FIG. 16; col. 3, ll. 50-67; col. 13, ll. 44-47;

col. 22, ll. 20-30; col. 4, ll. 24-61; col. 6, ll. 9-21; and col. 6, ll. 46-62) suggests

"uploading monetary data from a designated financial institution to the server. . . ."

Keithley (col. 2, ll. 10-22; col. 7, ll. 9-17; and col. 10, ll. 20-28) discloses elements

that suggest "uploading monetary data from a designated financial institution to the

server. . . ."

Keithley proposes financial institution modifications that would have applied to the

method of Apgar. It would have been obvious at the time the invention was made to a

person having ordinary skill in the art to add the modifications taught by Keithley to

Apgar, because implementation of such modifications would have provided *"a method of*

*acquiring and displaying real estate information. . . ."* (see Keithley col. 4, ll. 10-25).


As per claim 29, Apgar in view of Keithley, Forrest, Hunt and Meyer shows the

method of claim 28. (See the rejection of claim 28 supra).

Apgar (FIG. 1; FIG. 6; FIG. 7; FIG. 8; FIG. 9; FIG. 10; FIG. 11; FIG. 12; FIG.

14; FIG. 16; col. 3, ll. 50-67; col. 13, ll. 44-47; col. 22, ll. 20-30; col. 4, ll. 24-61; col. 6,

ll. 9-21; and col. 6, ll. 46-62) shows elements that suggest "storing the monetary data in

the set of files."

Apgar does not explicitly show "storing the monetary data in the set of

files. . . ." even though, Apgar (FIG. 1; FIG. 6; FIG. 7; FIG. 8; FIG. 9; FIG. 10; FIG. 11;

FIG. 12; FIG. 14; FIG. 16; col. 3, ll. 50-67; col. 13, ll. 44-47; col. 22, ll. 20-30; col. 4, ll.

24-61; col. 6, ll. 9-21;  and col. 6, ll. 46-62)  suggests "storing the monetary data in

the set of files. . . ."

Keithley (col. 2, ll. 10-22; col. 7, ll. 9-17; and col. 10, ll. 20-28) discloses elements

that suggest "storing the monetary data in the set of files. . . ."

Keithley proposes storage modifications that would have applied to the method of

Apgar. It would have been obvious at the time the invention was made to a person having

ordinary skill in the art to add the modifications taught by <u>Keithley</u> to <u>Apgar</u>, because

implementation of such modifications would have provided *"a method of acquiring and*

*displaying real estate information. . . ."* (see <u>Keithley</u> col. 4, ll. 10-25).


As per claim 30, <u>Apgar</u> in view of <u>Keithley, Forrest, Hunt</u> and <u>Meyer</u> shows the

method of claim 25. (See the rejection of claim 25 <u>supra</u>).

<u>Apgar</u> (FIG. 1; FIG. 6; FIG. 7; FIG. 8; FIG. 9; FIG. 10; FIG. 11; FIG. 12; FIG.

14; FIG. 16; col. 3, ll. 50-67; col. 13, ll. 44-47; col. 22, ll. 20-30; col. 4, ll. 24-61; col. 6,

ll. 9-21; and col. 6, ll. 46-62) shows elements that suggest "providing a plurality of real

estate unit identifiers as options of the set of options."

<u>Apgar</u> does not explicitly show "providing a plurality of real estate unit

identifiers as options of the set of options. . . ." even though, <u>Apgar</u> (FIG. 1; FIG. 6; FIG.

7; FIG. 8; FIG. 9; FIG. 10; FIG. 11; FIG. 12; FIG. 14; FIG. 16; col. 3, ll. 50-67; col. 13,

ll. 44-47; col. 22, ll. 20-30; col. 4, ll. 24-61; col. 6, ll. 9-21; and col. 6, ll. 46-62) suggests

"providing a plurality of real estate unit identifiers as options of the set of options."

<u>Keithley</u> (col. 2, ll. 10-22; col. 7, ll. 9-17; and col. 10, ll. 20-28) discloses elements

that suggest "providing a plurality of real estate unit identifiers as options of the set of

options."

<u>Keithley</u> proposes identifier modifications that would have applied to the method

of <u>Apgar</u>. It would have been obvious at the time the invention was made to a person

having ordinary skill in the art to add the modifications taught by <u>Keithley</u> to <u>Apgar</u>,

because implementation of such modifications would have provided *"a method of*

*acquiring and displaying real estate information. . . ."* (see <u>Keithley</u> col. 4, ll. 10-25).


As per claim 31, <u>Apgar</u> in view of <u>Keithley</u>, <u>Forrest</u>, <u>Hunt</u> and <u>Meyer</u> shows the

method of claim 25. (See the rejection of claim 25 <u>supra</u>).

<u>Apgar</u> (col. 22, ll. 20-30; col. 26, ll. 45-52; FIG. 1; FIG. 6; FIG. 7; FIG. 8; FIG. 9;

FIG. 10; FIG. 11; FIG. 12; FIG. 14; FIG. 16; FIG. 21; col. 3, ll. 50-67; col. 13, ll. 44-47;

col. 4, ll. 24-61; col. 6, ll. 9-21; and col. 6, ll. 46-62) shows elements that suggest

"providing a billing and cash entries selection for a real estate unit as an option of the set

of options."

<u>Apgar</u> does not explicitly show "providing a billing and cash entries selection for

a real estate unit as an option of the set of options. . . ." even though, <u>Apgar</u> (col. 22, ll.

20-30; FIG. 1; FIG. 6; FIG. 7; FIG. 8; FIG. 9; FIG. 10; FIG. 11; FIG. 12; FIG. 14; FIG.

16; col. 3, ll. 50-67; col. 13, ll. 44-47; col. 22, ll. 20-30; col. 4, ll. 24-61; col. 6, ll. 9-21;

and col. 6, ll. 46-62) suggests "providing a billing and cash entries selection for a real

estate unit as an option of the set of options."

<u>Forrest</u> (col. 9, ll. 43-48; col. 1, ll. 40-52; and col. 12, ll. 44-54) shows *"expense*

*and billing information."*

<u>Forrest</u> proposes *"expense and billing information"* modifications that would

have applied to the method of <u>Apgar</u>. It would have been obvious to one of ordinary skill

in the art at the time of the invention to add the *"expense and billing information"*

modifications of the method of Forrest to the method of Apgar because such

modifications would have provided *"the ability to closely track homes. . . ."* billing

status (See Forrest (col. 2, ll. 55-67).


As per claim 32, Apgar in view of Keithley, Forrest, Hunt and Meyer shows the

method of claim 25. (See the rejection of claim 25 supra).

Apgar (the ABSTRACT; col. 5, ll. 2-5; col. 5, ll. 12-19; col. 5, ll. 20-53; col. 16,

ll. 34-48; and col. 16, ll. 61-63) shows elements that suggest *"a printer or facsimile*

*device to provide a hard copy report. . . ."*

Apgar does not explicitly show "providing a reports selection as an option of

the set of options. . . ."   even though, Apgar (the ABSTRACT; col. 5, ll. 2-5; col. 5, ll.

12-19; col. 5, ll. 20-53; col. 16, ll. 34-48; and col. 16, ll. 61-63) suggests "providing a

reports selection as an option of the set of options." It would have been obvious to one of

ordinary skill in the art at the time of the invention that the disclosure of Apgar (the

ABSTRACT; col. 5, ll. 2-5; col. 5, ll. 12-19; col. 5, ll. 20-53; col. 16, ll. 34-48; and col.

16, ll. 61-63) would have been selected in accordance with "providing a reports selection

as an option of the set of options. . . ." because such selection would have provided a

means for *"detailing and summarizing the analysis of the particular real estate."* (See

Apgar (col. 16 ll. 45-48).

As per claim 33, <u>Apgar</u> in view of <u>Keithley, Forrest, Hunt</u> and <u>Meyer</u> shows the method of claim 25. (See the rejection of claim 25 <u>supra</u>).

<u>Apgar</u> (the ABSTRACT; col. 5, ll. 2-5; col. 5, ll. 12-19; col. 5, ll. 20-53; col. 16, ll. 34-48) shows elements that suggest *"a printer or facsimile device to provide a hard copy report. . . ."*

<u>Apgar</u> (col. 26, ll. 27-29) discloses *"OPERATING EXPENSES . . . utilities. . . ."*

<u>Apgar</u> does not explicitly show "providing a utilities selection as an option of the set of options. . . ." even though, <u>Apgar</u> (col. 26, ll. 27-29) suggests same. It would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of <u>Apgar</u> (col. 26, ll. 27-29) would have been selected in accordance with "providing a utilities selection as an option of the set of options. . . ." because such selection would have provided a means for *"detailing and summarizing the analysis of the particular real estate."* (See <u>Apgar</u> (col. 216 ll. 45-48).

As per claim 34, <u>Apgar</u> in view of <u>Keithley, Forrest, Hunt</u> and <u>Meyer</u> shows the method of claim 25. (See the rejection of claim 25 <u>supra</u>).

<u>Apgar</u> (col. 16, ll. 61-63) shows elements that suggest "providing a system selection as an option of the set of options."

<u>Apgar</u> does not explicitly show "providing a system selection as an option of the set of options. . . ." even though, <u>Apgar</u> (col. 16, ll. 61-63) suggests same. It would have been obvious to one of ordinary skill in the art at the time of the invention that the

disclosure of <u>Apgar</u> (col. 16, ll. 61-63) would have been selected in accordance with

"providing a system selection as an option of the set of options. . . ." because such

selection  would have provided a means for *"detailing and summarizing the analysis of*

*the particular real estate."*  (See <u>Apgar</u> (col. 216 ll. 45-48).


Claim 35 is rejected for the same reasons as claim 25.


Claim 36 is rejected for the same reasons as claim 26.


Claim 37 is rejected for the same reasons as claim 27.


Claim 38 is rejected for substantially the same reasons as claim 28.


Claim 39 is rejected for substantially the same reasons as claim 29.


Claim 40 is rejected for the same reasons as claim 30.


Claim 41 is rejected for the same reasons as claim 31.


Claim 42 is rejected for the same reasons as claim 32.

Claim 43 is rejected for the same reasons as claim 33.

Claim 44 is rejected for the same reasons as claim 34.

As per claim 45, <u>Apgar</u> (FIG. 1; FIG. 6; FIG. 7; FIG. 8; FIG. 9; FIG. 10; FIG. 14;

FIG. 16; col. 4, ll. 24-61; col. 6, ll. 9-21; col. 6, ll. 46-62; and col. 1, ll. 53-58) shows

elements that suggest an "Apparatus for managing a real estate unit from a remote

location, such apparatus comprising: a remote processor adapted to access a server from

a remote location through a website of the server; a website adapted to download a

<u>webpage containing a</u> set of options regarding the managing of the real estate unit from

the website to the remote location; a cursor adapted to select at least one of the options

<u>thereby providing a selected option of the set of options</u>; . . . <u>the</u> applications program

<u>within the server</u> adapted to execute the uploaded selected option."

<u>Apgar</u> lacks an explicit recitation of "a remote processor adapted to access a

server from a remote location through a website of the server; a website adapted to

download a <u>webpage containing a</u> set of options regarding the managing of the real estate

unit from the website to the remote location . . . an applet within the remote processor

adapted to upload <u>an identifier of an application program associated with</u> the selected

option from the remote location to the server. . . ." even though, <u>Apgar</u> (col. 6, ll. 42-44)

suggests same.

Keithley (col. 12, ll. 22-58) discloses: *"The instant system allows the flexibility to incorporate any of the current, as well as the future, technologies."*

Keithley (col. 3, ll. 30-67; col. 4, ll. 62-67; col. 9, ll. 4-27; col. 11, ll. 1-10; and col. 12, ll. 22-58) shows elements that suggest "a remote processor adapted to access a server from a remote location through a website of the server. . . ." In this case, the Examiner interprets the disclosure of Keithley (col. 12, ll. 22-58) as suggesting web communications.

Keithley proposes remote server modifications that would have applied to the method of Apgar. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to add the modifications taught by Keithley to Apgar, because implementation of such modifications would have provided *"a method of acquiring and displaying real estate information. . . ."* (see Keithley col. 4, ll. 10-25).

Forrest (col. 5, ll. 10-24; FIG. 1; and FIG. 13) shows *"LAN 12 may be implemented as a distributed network. . . ."* It would have been obvious to one of ordinary skill in the art at the time of the invention that *"LAN 12 may be implemented as a distributed network. . . ."* would have been selected in accordance with "a website of the server. . . ." because it was well known in the art at the time of the invention that a website was associated with the Internet which is a distributed network. Therefore, Furthermore, Forrest (col. 5, ll. 10-24; col. 2, ll. 55-67; FIG. 1; and FIG. 13) proposes website modifications that would have applied to the method of Apgar. It would have been obvious to one of ordinary skill in the art at the time of the invention to add the

website modifications of the method of <u>Forrest</u> to the method of <u>Apgar</u> because such modifications would have provided *"the ability to closely track homes. . . ."* (See <u>Forrest</u> (col. 2, ll. 55-67).

<u>Apgar</u> does not explicitly show "an applet within the remote processor adapted to upload <u>an identifier of an application program associated with</u> the selected option from the remote location to the server; and <u>the</u> applications program <u>within the server</u> adapted to execute the uploaded selected option."

<u>Hunt</u> (col. 5, ll. 55-60) discloses: *"automatically take the user to a particular web page and then cause a Java applet or ActiveX control to be executed."*

<u>Hunt</u> (col. 5, ll. 55-60; FIG. 2; FIG. 3; FIG. 4; FIG. 6; col. 4, ll. 17-28; col. 5, ll. 50-60; col. 6, ll. 31-44; col. 6, ll. 60-67; and col. 7, ll. 1-6) shows elements that suggest "an applet within the remote processor adapted to upload <u>an identifier of an application program associated with</u> the selected option from the remote location to the server; and <u>the</u> applications program <u>within the server</u> adapted to execute the uploaded selected option."

<u>Hunt</u> proposes applet modifications that would have applied to the method of <u>Apgar</u>. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to add the modifications taught by <u>Hunt</u> to <u>Apgar</u>, because implementation of such modifications would have provided *"users with coherent means for filtering what information is received and intelligently responding to the information. . . ."* (see <u>Hunt</u> (col. 4, ll. 17-28).

Apgar lacks an explicit recitation of: "managing a real estate unit <u>by a real estate</u>

<u>manager</u> from a remote location . . . <u>a website provided for use for use by the real estate</u>

<u>manager in managing the real estate unit</u> . . . a remote processor <u>used by the real estate</u>

<u>manager</u> to access a server . . . <u>the</u> website of the server <u>provided for use by the real estate</u>

<u>manager.</u> . . ."

<u>Meyer</u> (the ABSTRACT; FIG. 1; FIG;. 3; FIG. 4; FIG. 5; col. 1, ll. 33-67; col. 2,

ll. 1-67; col. 3, ll. 1-67; col. 4, ll. 1-67; col. 5, ll. 1-67; col. 6, ll. 1-67; and col. 7, ll. 1-45)

shows elements that suggest:"managing a real estate unit <u>by a real estate manager</u> from a

remote location . . . <u>a website provided for use for use by the real estate manager in</u>

<u>managing the real estate unit</u> . . . a remote processor <u>used by the real estate manager</u> to

access a server . . . <u>the</u> website of the server <u>provided for use by the real estate</u>

<u>manager.</u> . . ."

<u>Meyer</u> (the ABSTRACT; FIG. 1; FIG;. 3; FIG. 4; FIG. 5; col. 1, ll. 33-67; col. 2,

ll. 1-67; col. 3, ll. 1-67; col. 4, ll. 1-67; col. 5, ll. 1-67; col. 6, ll. 1-67; and col. 7, ll. 1-45)

proposes remote website browser modifications that would have applied to the

system/method of <u>Apgar</u>.   It would have been obvious to a person of ordinary skill in the

art at the time of the invention to combine the disclosure of <u>Meyer</u> with the teaching of

<u>Apgar</u>, because such combination would have provided means for *"facility management*

*systems via the Internet. . . . "* (see Meyer (col. 1, ll. 60-65)).

As per claim 46, Apgar in view of Keithley, Forrest, Hunt and Meyer shows the method of claim 45. (See the rejection of claim 45 supra).

Apgar does not explicitly show "the application program . . . comprises a comparator adapted to compare an identifier of an authorized user and granting access to a set of files when a match is found."

Keithley (col. 13, ll. 25-42; col. 1, ll. 33-45; col. 9, ll. 38-59; and col. 11, ll. 11-16) discloses elements that suggest "the application program . . . comprises a comparator adapted to compare an identifier of an authorized user and granting access to a set of files when a match is found."

Keithley proposes user ID modifications that would have applied to the method of Apgar. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to add the modifications taught by Keithley to Apgar, because implementation of such modifications would have provided *"a method of acquiring and displaying real estate information. . . ."* (see Keithley col. 4, ll. 10-25).

As per claim 47, Apgar in view of Keithley, Forrest, Hunt and Meyer shows the method of claim 45. (See the rejection of claim 45 supra).

Apgar (FIG. 1; FIG. 6; FIG. 7; FIG. 8; FIG. 9; FIG. 10; FIG. 11; FIG. 12; FIG. 14; FIG. 16; col. 3, ll. 50-67; col. 13, ll. 44-47; col. 22, ll. 20-30; col. 4, ll. 24-61; col. 6, ll. 9-21; and col. 6, ll. 46-62) shows elements that suggest "uploading monetary data from a designated financial institution to the server."

Apgar does not explicitly show "uploading monetary data from a designated financial institution to the server. . . ." even though, Apgar (FIG. 1; FIG. 6; FIG. 7; FIG. 8; FIG. 9; FIG. 10; FIG. 11; FIG. 12; FIG. 14; FIG. 16; col. 3, ll. 50-67; col. 13, ll. 44-47; col. 22, ll. 20-30; col. 4, ll. 24-61; col. 6, ll. 9-21; and col. 6, ll. 46-62) suggests "uploading monetary data from a designated financial institution to the server. . . ."

Keithley (col. 2, ll. 10-22; col. 7, ll. 9-17; and col. 10, ll. 20-28) discloses elements that suggest "uploading monetary data from a designated financial institution to the server. . . ."

Keithley proposes monetary modifications that would have applied to the method of Apgar. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to add the modifications taught by Keithley to Apgar, because implementation of such modifications would have provided *"a method of acquiring and displaying real estate information. . . ."* (see Keithley col. 4, ll. 10-25).


As per claim 48, Apgar in view of Keithley, Forrest, Hunt and Meyer shows the method of claim 48. (See the rejection of claim 48 supra).

Apgar (FIG. 1; FIG. 6; FIG. 7; FIG. 8; FIG. 9; FIG. 10; FIG. 11; FIG. 12; FIG. 14; FIG. 16; col. 3, ll. 50-67; col. 13, ll. 44-47; col. 22, ll. 20-30; col. 4, ll. 24-61; col. 6, ll. 9-21; and col. 6, ll. 46-62) shows elements that suggest "a memory adapted to store the monetary data."

Apgar does not explicitly show "a memory adapted to store the monetary data. . . ." even though, Apgar (FIG. 1; FIG. 6; FIG. 7; FIG. 8; FIG. 9; FIG. 10; FIG. 11; FIG. 12; FIG. 14; FIG. 16; col. 3, ll. 50-67; col. 13, ll. 44-47; col. 22, ll. 20-30; col. 4, ll. 24-61; col. 6, ll. 9-21; and col. 6, ll. 46-62) suggests "a memory adapted to store the monetary data."

Keithley (col. 2, ll. 10-22; col. 7, ll. 9-17; and col. 10, ll. 20-28) discloses elements that suggest "a memory adapted to store the monetary data."

Keithley proposes storage modifications that would have applied to the method of Apgar. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to add the modifications taught by Keithley to Apgar, because implementation of such modifications would have provided *"a method of acquiring and displaying real estate information. . . ."* (see Keithley col. 4, ll. 10-25).

## RESPONSE TO ARGUMENTS

7.    Applicant's arguments filed 05/16/2003 (Request for Reconsideration, paper#13) have been fully and are persuasive for the following reasons:

As per claims 45-48, the Non-Statutory Type Double Patenting rejections are withdrawn, because the terminal disclaimer filed on 6/30/2003 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Patent No. 6,334,107 obviates the Non-Statutory Type Double Patenting rejection.

In response to Applicant's argument that the 35 U.S.C. §103 rejections, on the

RCE are improperly made final, the Examiner agrees that the scope of the Amendment C

(paper#10, filed 12/10/2002) particularly in claim 18 is broadened; therefore, the prior

Office Action rationale for finality that "All claims are drawn to the same invention. . . ."

is incorrect and the finality of said rejection is herein withdrawn.

8.      Any response to this action should be mailed to:

        Commissioner for  Patents
        P. O. Box 1450
        Alexandria, VA 22313-1450

Any response to this action may be sent via facsimile to either:

(703)305-7687 (for formal communications EXPEDITED PROCEDURE) or

(703) 305-7687 (for formal communications marked AFTER-FINAL) or

(703) 746-7240 (for informal communications marked PROPOSED or DRAFT).

        Hand delivered responses may be brought to:

        Seventh Floor Receptionist
        Crystal Park V
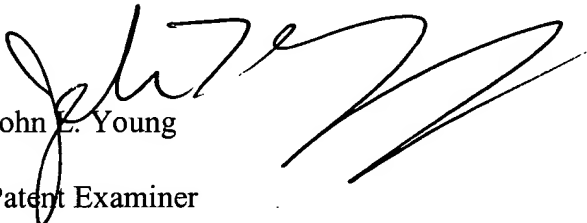        2451 Crystal Drive
        Arlington, Virginia.

Any inquiry concerning this communication or earlier communications from the examiner

should be directed to John L. Young who may be reached via telephone at (703)  305-3801. The

examiner can normally be reached Monday through Friday between 8:30 A.M. and 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

Eric Stamber, may be reached at (703) 305-8469.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the Group receptionist whose telephone number is (703) 305-3900.

John L. Young

Patent Examiner


August 28, 2003